

### **3. PURPOSE AND NEED FOR REVISING THE MANAGEMENT PLAN AND REGULATIONS**

#### **3.1. PURPOSE**

The purpose for taking action to address the need described below is derived principally from the National Marine Sanctuaries Act (NMSA) and the goals and objectives for Olympic Coast National Marine Sanctuary (OCNMS).

##### **3.1.1. National Marine Sanctuaries Act (NMSA)**

The NMSA (16 U.S.C. § 1431 et seq.) is the legislative mandate that governs the Office of National Marine Sanctuaries (ONMS) and the National Marine Sanctuary System (NMSS). Under the NMSA, the Secretary of Commerce is authorized to designate and manage areas of the marine environment as national marine sanctuaries. Such designations are based on attributes of special national significance, including conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities. With the primary mandate to provide protection for the resources of these special ocean and Great Lakes areas, the NMSA identifies nine purposes and policies<sup>1</sup>:

- (1) To identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;
- (2) To provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner that complements existing regulatory authorities;
- (3) To maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations and ecological processes;
- (4) To enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural and archeological resources of the National Marine Sanctuary System;
- (5) To support, promote and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

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<sup>1</sup> The purposes and policies of the NMSA have changed over time. They are presented here in their current form. Since NOAA designated OCNMS in 1994, the purposes and policies have been changed twice (1996 and 2000).

- (6) To facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;
- (7) To develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, state and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;
- (8) To create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and
- (9) To cooperate with global programs encouraging conservation of marine resources.

The NMSA also states that the ONMS shall “maintain for future generations the habitat and ecological services of the natural assemblage of living resources that inhabit [sanctuaries]” (16 U.S.C. 1431 et seq., §301(a)(4)(A),(C)). The NMSA further recognizes that “while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of the marine environment” (16 U.S.C. 1431 et seq., §301(a)(3)). Accordingly, the ONMS subscribes to a broad and comprehensive management approach to meet the NMSA’s primary mandate of resource protection. This approach differs from that of various other national and local agencies and laws directed at managing single or limited numbers of species, habitats, or specific human activities within the marine environment.

Sanctuary management, therefore, serves as a framework for providing long-term protection of a wide range of living and non-living marine resources, while allowing multiple uses of the sanctuaries to the extent that they are compatible with resource protection. The ecosystems managed by the ONMS span diverse geographic, administrative, political and economic boundaries. To comprehensively manage national marine sanctuaries, individually and as a system, strong partnerships between the ONMS and local, state and tribal governments, resource management agencies, the scientific community, stakeholders and the public at-large are needed to achieve the coordination and program integration called for by the NMSA. The proposed revised management plan would enable sanctuary staff to manage the ecosystem resources of the sanctuary more effectively and transparently by building stronger partnerships and providing the public with a management plan that identifies sanctuary priorities in great detail.

### 3.1.2. Olympic Coast National Marine Sanctuary

OCNMS encompasses approximately 2,408 square nautical miles of coastal and ocean waters and the submerged lands thereunder, off the central and northern coast of the state of Washington. In designating and managing OCNMS, NOAA's mission is to protect the Olympic Coast's natural and cultural resources through responsible stewardship; to conduct and apply research to preserve the area's ecological integrity and maritime heritage; and to promote understanding through public outreach and education. In preparation for a review of this management plan, OCNMS staff worked with the OCNMS Advisory Council (AC) and the Olympic Coast Intergovernmental Policy Council (IPC) to update the OCNMS goals and objectives, which are presented in section 1.3 of this document. The proposed revised management plan would more clearly align management priorities with the revised goals and objectives for the sanctuary.

### 3.1.3. Management Plan Review

New challenges and opportunities emerge with time. To ensure sanctuary management keeps up with the pace of change, section 304(e) of the NMSA requires periodic updating of sanctuary management plans to re-evaluate site-specific goals and objectives and to develop management strategies and activities to ensure the sanctuary best protects its resources. As an outcome of the management plan review (MPR) process, NOAA may need to revise the regulations for the sanctuary to ensure they meet the sanctuary goals and objectives and the purposes and policies of the NMSA.

#### The Management Plan Review (MPR) process includes five fundamental steps:

- 1) Public scoping to identify a broad range of issues and concerns related to management of the sanctuary;
- 2) Analysis and prioritization of the issues raised during scoping;
- 3) Preparation of the draft management plan and relevant environmental analysis;
- 4) Public comment on the draft plan and environmental analysis; and
- 5) Revision and preparation of the final management plan and environmental analysis.

## 3.2. NEED

Since 1994, there have been several developments which make the revision of the original OCNMS management plan a necessity if OCNMS is to have a management plan that meets the requirements presented in section 3.1 (Purpose). The various needs for such a revised management plan are described below.

### 3.2.1. Outdated Management Plan

OCNMS's current management plan was drafted in advance of sanctuary designation in 1994. The current management plan was written to give broad, general direction for the formation of OCNMS's program areas. Many of the activities it describes are too general to provide useful guidance now that OCNMS is over a decade old (e.g., "Focus and coordinate data collection efforts on the physical, chemical, geological and biological oceanography of the Sanctuary"). Sixteen years after sanctuary designation, OCNMS is in need of more refined and directed guidance.

Additionally, as our knowledge about the sanctuary and its resources has improved over the past 16 years, several topics have emerged that are not addressed in the current management plan. For example, the current management does not directly address cultural or maritime heritage resources, nor does it specifically acknowledge traditional ecological knowledge from American Indian cultures. It also does not mention or address ecologically important resources in the sanctuary that have only recently been discovered, such as deep sea corals.

### **3.2.2. Ocean Governance**

Since 1994, there have been significant discussions focused on ocean governance issues nationwide in the United States, as well as regionally on the West Coast, statewide in Washington, and locally on the Olympic Coast. Resulting changes in local, state, regional and national frameworks for ocean governance are not reflected in OCNMS's current management plan.

In 2003 and 2004 two major commissions, the Pew Oceans Commission and the U.S. Commission on Ocean Policy, addressed diverse ocean issues including ocean governance. The reports produced by these commissions served as impetus for the governors of California, Oregon and Washington to develop the West Coast Governors' Agreement on Ocean Health, which was released on September 18, 2006 (<http://westcoastoceans.gov/docs/WCOceanAgreementp6.pdf>). This agreement launched a new, proactive, regional collaboration to protect and manage the ocean and coastal resources along the entire West Coast.

On December 31, 2006, the Washington State Ocean Policy Work Group, under direction from the Washington State Legislature completed the Washington Ocean Action Plan. Since that time the Governor's Office and state agencies have been acting on the plan's recommendations through the State Ocean Caucus. The State Ocean Caucus provides a way for state agencies to work together to prioritize activities and solve problems related to the ocean environment of Washington state.

In 2007 the Hoh, Makah, Quileute tribes, the Quinault Indian Nation, the state of Washington and OCNMS collaborated to form the Olympic Coast Intergovernmental Policy Council (IPC). The first of its kind in the nation, the IPC provides a regional forum for marine resource managers to exchange information, coordinate policies, and develop recommendations for resource management within the sanctuary.

On a local level, in 2009, the Washington Department of Fish and Wildlife, directed by the Washington State Legislature, worked with Washington's five coastal counties to create a Coastal Marine Resource Committee (MRC) Program. The goal of the MRC Program is to understand, steward, and restore the marine and estuarine ecological processes of the Washington coast in support of ecosystem health, sustainable marine resource-based livelihoods, cultural integrity, and coastal communities. Two of the coastal MRCs formed are adjacent to OCNMS: the North Pacific Coast MRC and Grays Harbor MRC. These

MRCs represent a new grassroots, local, community-based marine stewardship effort that was not envisioned in 1994.

While the original 1994 OCNMS management plan allows for OCNMS to pursue partnerships with other organizations and ocean management initiatives, by revising the management plan, OCNMS can elucidate more specifically its role in these multiple new collaborative ocean management frameworks in the Olympic Coast region.

### **3.2.3. Data Gaps**

In September 2008 OCNMS published a Condition Report on the status and trends for resources within the sanctuary. This report found that, in general, the resources within the sanctuary appear to be in good to fair condition, which may in large part be a reflection of the sanctuary's isolation from major urban areas and industrial complexes. The 2008 Condition Report also identified significant data gaps in existing knowledge about resources in the sanctuary. Currently only 25% of the seafloor habitat in the sanctuary has been accurately mapped and characterized. There is also limited understanding of some fisheries resources, current patterns of exploitation, and overall marine ecosystem functioning in the sanctuary. Furthermore, there is limited understanding of phenomena recently observed in the sanctuary (e.g., hypoxia, ocean acidification) that may be related to climate change. The Condition Report also emphasized the critical need for an ecosystem-based approach to research and monitoring in the sanctuary. While there was a general research and monitoring component in the original 1994 management plan, the data gaps identified in the 2008 Condition Report indicate that a much more detailed and comprehensive suite of research and monitoring strategies are needed to guide OCNMS.

### **3.2.4. New Technologies**

There have been significant improvements in technology related to habitat mapping, ocean exploration, water quality monitoring and other data collection efforts that have increased the capacity of NOAA and its partners' research and monitoring programs. None of these new technologies are mentioned in the original 1994 management plan. In revising the management plan, OCNMS can highlight these technologies and provide a more specific research plan for the next five to ten years.

### **3.2.5. Scope of Issues**

Several ocean conservation issues that have risen to a level of great importance over the past decade are not discussed in the 1994 management plan. These emerging issues include climate change, ocean acidification, ocean hypoxia, open ocean aquaculture, and alternative energy development. By revising the OCNMS management plan, NOAA will be able to address several of these issues directly.

In particular, the revised management plan includes a physical and chemical oceanography action plan that places a strong emphasis on ocean acidification and hypoxia research, as well as a climate change action plan. And while the revised management plan does not include policies or regulations related to specific ocean development frontiers, such as wave energy and aquaculture, it does include a marine spatial planning action plan, as well

as focused strategies for OCNMS permitting and enforcement programs. Rather than instituting new policies or regulations related to particular types of ocean development in the sanctuary, OCNMS's revised management plan focuses on participation in emerging regional planning efforts in order to guide and locate ocean development projects in a manner that best protects marine ecosystems inside and adjacent to the sanctuary.

In order to address all of these emerging issues, the current management plan needs to be revised and updated.